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**LETTER-MOTION
FILED VIA ECF**

Hon. Valerie Caproni, U.S. District Judge
U.S. District Court, Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

**Re: *Johnson v. Amazing Paint Party LLC, et al.*
Civil Action No. 1:21-cv-03659-VEC (S.D.N.Y.)
Consent Request for Extension of Discovery Deadlines
& Adjournment of Pretrial Conference**

Dear Judge Caproni,

We represent the Plaintiff, Eric Johnson, in the above-referenced action. Pursuant to Paragraphs 2[A] & 2[C] of Your Honor's Individual Practices In Civil Cases, and with the consent of counsel for Defendants Amazing Paint Party LLC and Ray Tennyson, we write to respectfully request an order extending the current dates for close of fact and expert discovery in the Civil Case Management Plan And Scheduling Order in this action (Dkt. 34) (the "CMP/SO") by 45 days each, and adjourning the next pretrial conference in this action presently scheduled for December 17, 2021. This is the parties' first request for modification of the CMP/SO and adjournment of the next pretrial conference.

The reason for this request is that, although the parties have been diligently engaging in discovery since entry of the CMP/SO (including having exchanged discovery responses & objections and initial document productions), the parties desire additional time to ensure that fact and expert discovery can be completed in a complete and fulsome manner in light of, *inter alia*, Plaintiff's counsel having recently come down with the flu, both parties' counsel having upcoming trials scheduled in other matters, and upcoming holiday-related commitments of the parties and their counsel.

This request will not impact any presently-scheduled hearing in this matter with the exception of the next pretrial status conference, as to which the parties also seek adjournment by this request (as set forth below).

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The parties respectfully request that the current deadlines in the CMP/SO be extended by 45 days, as follows:

<u>CMP/SO Event</u>	<u>Current Date</u>	<u>Proposed New Date</u>
Completion of Fact Discovery	December 16, 2021	January 30, 2022
Completion of Expert Discovery	January 28, 2022	March 14, 2022

For the same reasons for the CMP/SO extension request set forth above, the parties also respectfully request that the pretrial conference presently scheduled for December 17, 2021, be adjourned to February 3, 2022, or to such other date convenient to the Court.

We thank you for your time and consideration.

Very truly yours,



Alexander Malbin, Esq.
 Counsel for Plaintiff Eric Johnson

CC: Evan W. Talley, Esq.,
 Counsel for Defendants Amazing Paint Party LLC
 & Ray Tennyson

Application GRANTED. Fact discovery must be completed by **January 30, 2022**. Expert discovery must be completed by **March 14, 2022**.

The pretrial conference scheduled for December 17, 2021 is adjourned to **February 4, 2022 at 2:30 p.m.** The parties' joint submission is due by **January 27, 2022**. The parties should appear for the conference by dialing 888-363-4749, using the access code 3121171 and the security code 3659.

No further adjournments will be granted absent extraordinary circumstances.

SO ORDERED.



12/3/2021

HON. VALERIE CAPRONI
 UNITED STATES DISTRICT JUDGE